

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NATIONAL GUARDSMAN,

Plaintiff,

V.

CASE NO. 8:22-cv-1279-SDM-TGW

LLOYD J. AUSTIN, III,

Defendant.

ORDER

In the original action, *Navy Seal 1 v. Austin*, No. 8:21-cv-2429, service members in each branch of the military pursued, among other claims, injunctive relief under the Religious Freed Restoration Act. A June 2, 2022 order (Doc.194) severs the original action by branch and stays this action (the Virginia Army National Guard Action). The order (Doc. 194 at 11) states that “[b]ecause no venue likely exists in the Middle District of Florida for a member of the Virginia Army National Guard . . . [n]ot later than June 30, 2022, the plaintiff must either identify a district for transfer or explain why an order should not dismiss the action for improper venue.” The order warns that “absent a timely response, an order will dismiss without prejudice [this action].”

Instead of identifying a district for transfer or explaining why an order should not dismiss the action, the plaintiff moves (Doc. 195) to extend by thirty days the time within which to amend the complaint to “join[] properly venued class

plaintiffs.” The motion to amend the complaint declines even to adumbrate how a member of the Virginia Army National Guard, who submits a request for a religious accommodation to the Virginia Army National Guard (under the command of Governor Youngkin in the absence of federal mobilization), could be properly joined with a member of the Florida Army National Guard, who submits a request for a religious accommodation to the Florida Army National Guard (under the command of Governor DeSantis in the absence of federal mobilization).

The June 2, 2022 order directs the plaintiff to either identify a district for transfer or explain why an order should not dismiss the action for improper venue. The plaintiff accomplishes neither. The motion to amend (Doc. 195) is **DENIED**, and this action is **DISMISSED WITHOUT PREJUDICE** for improper venue. The clerk must close the case.

ORDERED in Tampa, Florida, on July 5, 2022.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE